

**BEFORE THE  
MISSOURI BOARD OF PHARMACY  
STATE OF MISSOURI**

IN RE:

NURSE ASSIST, LLC.  
4409 Haltom Rd.  
Haltom City, Texas 76117

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Case 2017-000167

**ORDER OF THE MISSOURI BOARD OF PHARMACY  
ISSUING NURSE ASSIST, LLC d/b/a NURSE ASSIST  
A DRUG DISTRIBUTOR LICENSE SUBJECT TO PROBATION**

Comes now the Missouri Board of Pharmacy ("Board") and issues its ORDER granting a PROBATED drug distributor license, license number 2018026599, to NURSE ASSIST, LLC. ("Nurse Assist") pursuant to the provisions of Section 324.038, RSMo. As set forth in Section 324.038, RSMo, Nurse Assist may submit a written request for a hearing to the Administrative Hearing Commission seeking review of the Board's decision to issue a probated license to Nurse Assist. Such written request must be submitted to the Administrative Hearing Commission within thirty (30) days of issuance of this Order. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman Building Room 640, Jefferson City, MO 65102-1557. If no written request for review is received by the Administrative Hearing Commission within the thirty (30) day period, the right to seek review of the Board's decision shall be waived.

The disciplinary period shall become effective immediately upon issuance of Nurse Assist's license as a drug distributor. Should Nurse Assist file a written request for review of this Order, the terms and conditions of the Order shall remain in force and effect unless and/or until such time as the Administrative Hearing Commission issues an order contrary to this Order.

### **FINDINGS OF FACT**

1. The Missouri Board of Pharmacy (hereinafter "Board") is an agency of the State of Missouri created and established pursuant to Section 338.110, RSMo, for the purpose of executing and enforcing provisions of Chapter 338, RSMo.

2. Nurse Assist filed an application for a new drug distributor license with the Board on April 24, 2018. This probated drug distributor license is for the facility owned by Nurse Assist at 4409 Haltom Road, Haltom City, Texas, 76117. On July 17, 2018, the Board received an application for a change of name from Nurse Assist, Inc. to Nurse Assist, LLC. This Order applies to the application received on April 24, 2018, and also to the application for a change of name to Nurse Assist, LLC received on July 17, 2018.

3. Nurse Assist had drug distributor license number 2009022115 from 2009 until it expired on October 31, 2015. Nurse Assist continued to ship legend medical devices from its current location from November 1, 2015, until December 31, 2017. It received letters from the Board that Nurse Assist had continued to operate as a drug distributor in Missouri, without obtaining a drug distributor license from the Board in violation of Chapter 338, RSMo. Nurse Assist's records reflect that it delivered from November 1, 2016, until December 31, 2017, legend medical devices to Cardinal Health in Missouri without a valid drug distributor license.

4. Based on information received by the Board, pursuant to Section 338.055, RSMo, the Board concluded Nurse Assist engaged in conduct which would be grounds for denying Nurse Assist a license, or if currently licensed by the Board, disciplinary action by the Board against its drug distributor license.

### **CONCLUSIONS OF LAW**

5. Nurse Assist's conduct as alleged above is cause for the Board to deny Nurse Assist a license to be a drug distributor pursuant to Section 338.055.1 and .2, RSMo, which states in pertinent parts:

1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall

advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

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(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

6. Section 324.038, RSMo, provides in pertinent part:

1. Whenever a board within the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of a license, the board, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

7. The Board hereby issues this ORDER in lieu of denial of Nurse Assist's request for a drug distributor license in Missouri pursuant to Section 324.038, RSMo.

8. Pursuant to the provisions of Section 324.038, RSMo, the Board hereby issues drug distributor license number 2018026599 to Nurse Assist, Inc. in lieu of denial of Nurse Assist's request for a license to practice as a drug distributor in Missouri. License number 2018026599 is issued subject to the terms and conditions set forth herein below.

### **ORDER**

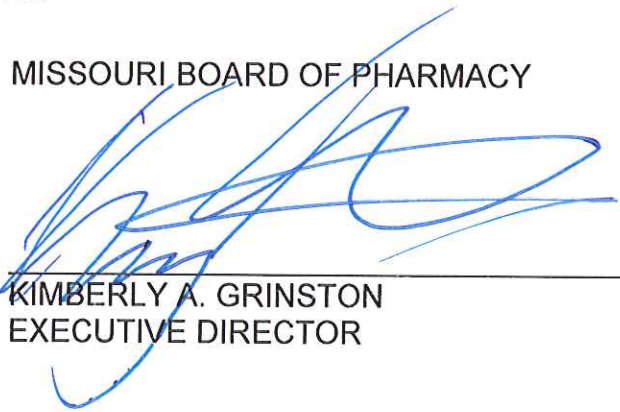
Based on the foregoing and in lieu of denying Nurse Assist, LLC a drug distributor license, the Board issues Nurse Assist, LLC a license subject to **PROBATION** for a period of **two (2) years** ("disciplinary period"). The period of probation shall constitute the disciplinary period. The terms of discipline shall be as follows:

A. Respondent shall pay all required fees for licensing to the Board and shall renew its drug distributor license prior to October 31 of each licensing year.

- B. Respondent shall comply with all provisions of Chapter 338, Chapter 195, and all applicable federal and state drug laws, rules and regulations and with all federal and state criminal laws. "State" here includes the State of Missouri and all other states and territories of the United States.
- C. If, after disciplinary sanctions have been imposed, the Respondent fails to keep its drug distributor license current, the period of unlicensed status shall not be deemed or taken as any part of the time of discipline so imposed.
- D. Respondent shall report to the Board, on a preprinted form supplied by the Board office, once every six (6) months (due by each January 1 and July 1), beginning with whichever date occurs first after this Order/Agreement becomes effective, stating truthfully whether or not he/she has complied with all terms and conditions of his/her disciplinary order.
- E. Respondent shall make a representative of the drug distributor available for personal interviews to be conducted by a member of the Board or the Board of Pharmacy staff. Said meetings will be at the Board's discretion and may occur periodically during the disciplinary period. Respondent will be notified and given sufficient time to arrange these meetings.
- F. Respondent's failure to comply with any condition of discipline set forth herein constitutes a violation of this disciplinary Order/Agreement.
- G. The parties to this Order/Agreement understand that the Board of Pharmacy will maintain this Order/Agreement as an open record of the Board as provided in Chapters 324, 338, 610, RSMo.

SO ORDERED this 19<sup>th</sup> day of July, 2018

MISSOURI BOARD OF PHARMACY



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KIMBERLY A. GRINSTON  
EXECUTIVE DIRECTOR